

NAVAJO NATION

POLICY FOR THE DISPOSITION OF CULTURAL RESOURCES COLLECTIONS



**NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT**

**Approved: 4/22/08
Effective date: 4/29/08**

Table of Contents

1.	INTRODUCTION.....	1
2.	POLICY STATEMENT	1
3.	AUTHORITY	1
4.	DEFINITIONS	2
5.	COMPONENTS OF COLLECTIONS	4
5.1.	Material Remains	5
5.2.	Associated Records/Archival Materials.....	5
6.	ACQUISITION OF COLLECTIONS	6
6.1.	Intentional Excavation and Inadvertent Discovery	6
6.2.	Ethnographic Acquisition	7
6.3.	Return of Pre-existing Collections.....	7
6.4.	Return of Confiscated Collections	8
7.	PROSCRIBED COLLECTIONS.....	8
8.	ITEMS OF CULTURAL PATRIMONY.....	9
9.	OBTAINING INFORMATION AND ASSISTANCE	10
10.	DISPOSITION OF CULTURAL RESOURCES COLLECTIONS.....	10
10.1.	Collection Disposition	10
10.2.	Collection Repository	10
10.3.	Accessioning Collections.....	10
10.4.	Collection Disposition Fee Schedule	11
10.5.	Disposition Process	11
10.6.	Disposition Within the Project Area	11
10.7.	Disposition Outside of Established Project Boundaries	12
11.	ACCESS TO COLLECTIONS	12

1. INTRODUCTION

This policy establishes definitions, standards, procedures and guidelines to be followed for the disposition of cultural resources collections recovered on Navajo Nation Lands.

2. POLICY STATEMENT

It is the policy of the Navajo Nation to protect all cultural resources that it owns or that are under its jurisdiction. Under its obligation to the *Diyin diné'é* (Holy People) and as an expression of its sovereignty, the Navajo Nation will treat its cultural resources in a manner consistent with *Diné* (Navajo) values.

Hózhó, a natural state of harmony, beauty, and balance, is the very heart of the *Diné* way of life. The disturbance and/or removal of cultural resources disrupts *hózhó*. In order to avoid unnecessary disturbance to *hózhó*, it is the policy of the Navajo Nation to strongly discourage the excavation, disturbance or removal of any cultural resources unless there is a compelling need. When such disturbance occurs either accidentally or out of necessity, it is Navajo Nation policy to implement all prudent and feasible measures to return its' cultural resources to the cultural landscape.

Accordingly, the excavation of cultural resources may be permitted only after all alternative treatment measures (e.g., avoidance, protective fencing, project redesign, etc.) have been exhausted. When excavation or disturbance of cultural resources can not be avoided, such activities shall be carried out in the least intrusive and most expeditious manner possible.

When removal of material remains is completed, all appropriate analysis approved by the Historic Preservation Officer has been completed, and the resulting technical report accepted by the Historic Preservation Officer or his designee, the remains are to be promptly returned to the cultural landscape in accordance with this Policy.

The Navajo Nation Historic Preservation Department shall act on behalf of the Navajo Nation to achieve these objectives through the implementation of this Policy.

3. AUTHORITY

In accordance with Navajo Nation law and federal laws, including but not limited to: the Treaty of June 1, 1868 between the Navajo Nation and the United States, 156 Stat. 667; various United States statutes and executive orders expanding the Navajo Indian reservation or otherwise confirming Navajo Nation ownership of Navajo Nation lands and all resources appurtenant thereto; the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa-mm (ARPA); the National Historic Preservation Act of 1966, 16 U.S.C. 470. *et seq.* (NHPA); and the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001, *et seq.* (NAGPRA), the Navajo Nation owns all material remains located on, discovered on, excavated, collected or

removed from Navajo Nation Lands, except under limited circumstances where such law or laws expressly provide that such items are owned by private individuals.

Navajo Nation law and federal law further provide that the Navajo Nation controls the ultimate disposition of material remains owned by the Navajo Nation. Nothing in federal law severs the Navajo Nation's ownership and control of cultural resources from Navajo Nation lands, even when those items have been collected under properly approved federal permits issued under the Antiquities Act of 1906 or ARPA.

Where associated records/archival materials are or have been prepared and assembled pursuant to the Navajo Nation Cultural Resources Protection Act, 19 N.N.C. 1001 *et seq.* (CRPA) or in the absence of a valid permit under ARPA, the Antiquities Act or other applicable law, the Navajo Nation owns such associated records/archival materials. Where associated records/archival materials are or have been prepared and assembled pursuant to a valid Navajo Nation cultural resources permit (and where applicable, a federal permit), the Navajo Nation retains ownership both of those associated materials and any and all intellectual property rights relating to those items.

In accordance with these rights of ownership of material remains, associated records/archival materials, and the cultural heritage and intellectual property of the Navajo Nation this policy reflects Navajo Nation law concerning the disposition of material remains and associated records/archival materials in the possession of the United States, which nevertheless remain subject to the paramount rights of the Navajo Nation.

4. DEFINITIONS

For the purpose of this policy,

4.1. Associated Records/Archival Materials means original records (as well as any copies thereof) that were or are prepared, assembled, etc. to document efforts to locate, evaluate, document, study, preserve or recover cultural resources.

4.2. Collection means material remains that are excavated, collected or removed from a cultural resource, along with any associated records/archival materials. Some collections may consist of archival materials only.

4.3. Cultural Landscape (*Diné Bikéyah*) means the places that embody cultural meaning for the Diné, whether located within or outside the boundaries of the Navajo Nation. For the purpose of this policy, "cultural landscape" includes Diné individuals and communities.

4.4. Cultural Patrimony means objects having ongoing historical, traditional or cultural importance central to Diné traditional practitioners or clans (rather than property owned by an individual under the principles of Navajo common law) and which, therefore, cannot be alienated, appropriated or conveyed by any individual.

4.5. Cultural Property means any cultural resources deemed to be important enough to warrant listing in the Navajo Register, 19 N.N.C.1011.

4.6. Cultural Resource means any product of human activity or any object or place given significance by human action or belief, 19 N.N.C. 1003.D.

4.7. Curation/Curatorial Services means managing and preserving a collection according to professional museum and archival practices, including;

- (i) Inventorying, accessioning, labeling, and cataloging a collection;
- (ii) Identifying, evaluating, and documenting a collection;
- (iii) Storing and maintaining a collection using appropriate methods and containers, and under appropriate environmental conditions and physical security controls;
- (iv) Periodically inspecting a collection and taking such actions as may be necessary to preserve it;
- (v) Providing access to and facilities for study of a collection; and
- (vi) Handling, cleaning, stabilizing and conserving a collection in such a manner as may be necessary to preserve it.

4.8. Deaccession means to formally and permanently withdraw material remains from a collection.

4.9. Diné means the Navajo People.

4.10. Hataa_ii means a traditional Diné chanter/healer/practitioner recognized as such by his or her community.

4.11. Historic Preservation Department (HPD) means the Navajo Nation Historic Preservation Department as established by CRPA 19 N.N.C. 1004.

4.12. Historic Preservation Officer means the Department Manager of the Historic Preservation Department or his/her designee.

4.13. Inadvertent Discovery means finding, locating, observing, uncovering, unearthing, learning about through conversation, discussion or interview or otherwise detecting cultural resources when such discovery was not the original intent of the activity.

4.14. Intentional Excavation means the removal of material remains from their original context for any purpose authorized by the HPD pursuant to CRPA.

4.15. Material Remains means artifacts, objects, specimens, and other physical evidence that are excavated or removed in connection with efforts to locate, evaluate, document, study, preserve or recover a prehistoric or historic cultural resource.

4.16. Museum Director means the Director of the Navajo Nation Museum.

4.17. Navajo Nation Lands means all lands or interests in land owned by or held by the Navajo Nation, whether held by original title, held in fee simple or held in trust by the United States, whether restricted or unrestricted, and whether within or outside the boundaries of the Navajo Nation.

4.18. Navajo Nation Museum means the museum established within the Historic Preservation Department by the Navajo Nation Museum Plan of Operation approved November 14, 1995, by Resolution No. GSCN-92-95.

4.19. Offering means a gift made to Diyin diné'é (the Holy People) or at holy places including, but not limited to; precious gems, feathers, songs, prayers, carved items, incense/smoke, pollen, cornmeal, botanical items, water or minerals.

4.20. Repository means a facility such as a museum, archaeological center, laboratory or storage facility managed by a university; college, museum, other educational or scientific institution; a Federal, State, or local Government agency or Indian Tribe that can provide professional, systematic, and accountable curatorial services.

4.21. Sacred Objects means specific ceremonial objects that either have been offered to Diyin diné'é or are needed for the practice of healing ceremonies or traditional Native American religions by their present-day adherents.

4.22. Site means the location of the physical remains of human activity, 19 N.N.C. 1003.O.

4.23. Special Collection means any collection or portion of a collection that requires special disposition, such as sensitive information; confidential information; fragile items; items that should only be viewed/used by persons of a particular age or gender, and/or items that can only be viewed/used at certain seasons of the year.

4.24. Sponsor means the agency official or an individual in a private capacity who has decision-making authority over a particular undertaking, 19 N.N.C. 1003.

4.25. Tribal Archaeologist means the Department Manager of the Navajo Nation Archaeology Department, 19 N.N.C. 1005.

4.26. Undertaking means any project, activity or program that can result in changes in the character or use of cultural properties. The project, activity or program must be under the direct or indirect jurisdiction of a Sponsor, 19 N.N.C. 1003.S.

5. COMPONENTS OF COLLECTIONS

Collections include material remains that are excavated or removed from a prehistoric or historic cultural resource, along with associated records/archival materials that are prepared or assembled in connection with the survey, excavation, removal or other study. Some collections may consist of archival materials only.

5.1. Material Remains

Classes of material remains (and illustrative examples) that may be in a collection include, but are not limited to:

- (i) Components of structures and features (such as houses, pit structures, sweathouses, hornos, hearths, mills, fortifications, raceways, earthworks, and mound(s);
- (ii) Intact or fragmentary artifacts of human manufacture (such as tools, weapons, pottery, basketry, and textiles);
- (iii) Intact or fragmentary objects used by humans (such as rock crystals, feathers, and pigments);
- (iv) By-products, waste products or debris resulting from the manufacture or use of cultural or natural material (such as slag, dumps, fire-cracked rock, cores, and debitage);
- (v) Organic material (such as plant and animal remains);
- (vi) Components of petroglyphs, pictographs, intaglios or other works of artistic or symbolic representation;
- (vii) Environmental and chronometric specimens (such as pollen, seeds, wood, shell, bone, charcoal, tree core samples, soil, sediment cores, obsidian, volcanic ash, and baked clay); and
- (viii) Paleontological specimens that are found in direct physical relationship with a cultural resource.

5.2. Associated Records/Archival Materials

Depending on the type of project, the following classes of associated records/archival material are illustrative examples of the materials that may be in a collection:

- (i) Records relating to the identification, evaluation, documentation, study, preservation or recovery of a cultural resource, such as, site forms, field notes, drawings, maps, photographs, slides, negatives, films, video and audio tapes, oral histories, artifact inventories, laboratory reports, computer cards and tapes, computer disks and diskettes, information stored on other forms of electronic media, printouts of computerized data, manuscripts, reports, and accession, catalog, and inventory records;
- (ii) Records collected by ethnographic means, such as interview notes, genealogies, tape recordings, video recordings, oral histories, and photographs;
- (iii) Records relating to the identification of a cultural resource using remote sensing methods and equipment, such as, satellite or aerial photography and imagery, side scan sonar, magnetometers, and ground penetrating radar;

(iv) Public records essential to understanding the cultural resources, such as, deeds; survey plats; military and census records; birth, marriage, and death certificates; immigration and naturalization papers; tax forms and reports;

(v) Archival records necessary to understanding the cultural resources, such as historical maps, drawings and photographs; manuscripts; architectural and landscape plans; correspondence; diaries; ledgers; catalogs; and receipts; and

(vi) Administrative records relating to the survey, excavation or other study of the cultural resource, such as scopes of work, requests for proposals, research proposals, contracts, antiquities or ARPA permits, reports, popular summaries, documents relating to compliance with section 106 of the NHPA, and National Register of Historic Places nomination and determination of eligibility forms.

Oral history material forms a special class of associated records/archival materials. These materials include tape-recorded and/or video-recorded interviews or transcripts of interviews with individuals or group of individuals that provide information on Diné life stories or local community history.

6. ACQUISITION OF COLLECTIONS

The Navajo Nation assumes responsibility for cultural resource collections in a variety of ways. Such collections may be the result of intentional archaeological excavation, inadvertent discovery, and/or ethnographic investigation. Cultural resource collections may also be returned to the Navajo Nation by museums, libraries, researchers, federal and other agencies, private individuals, contractors, and others. Some collections may be obtained as a result of legal proceedings (e.g., the return of confiscated material).

6.1. Intentional Excavation and Inadvertent Discovery

(i) Intentional Excavation. (a) The excavation of cultural resources may only occur after all alternative treatment measures (e.g., avoidance, protective fencing, project redesign, etc.) have been considered and found to be infeasible. When mitigation is necessary, it shall be carried out in the least intrusive and most expeditious manner possible

(b) Sponsors and their agents shall consult with HPD and obtain the proper permits prior to collecting and/or conducting excavation and removal of cultural resources. To the extent feasible, research designs shall take into account the principles and traditional concerns inherent in this Policy. Sponsors and their agents shall utilize sampling and other strategies as appropriate and feasible in order to minimize disturbance of cultural resources and to minimize the size of collections. All mitigation measures for archaeological resources must be archaeologically justified, necessary and defensible, systematic, thorough, as well as culturally respectful.

(ii) Inadvertent Discovery. Sometimes cultural resources are discovered inadvertently, i.e., during the course of activities which are not otherwise intended identification, evaluate, and/or

treat cultural resources. When cultural resources are inadvertently discovered, (a) all work in the vicinity (within 50 feet/15 meters) of the resource shall be halted and the resource secured from further damage. (b) The Historic Preservation Officer shall be consulted regarding the importance of the resource and feasible means to avoid damage to it. (c) If the resource can not be avoided, damage to the resource shall be mitigated in accordance with the decision of the Historic Preservation Officer and under the terms of a permit issued, as necessary, in accordance with section 6.1(i)(b) above.

6.2. Ethnographic Acquisition

Sponsors and their agents shall consult with HPD and obtain the proper permits before initiating ethnographic activities. To the extent feasible, research designs shall take into account the principles and traditional concerns inherent in this Policy.

Sacred and ceremonial information is held in trust by individuals for the Navajo Nation as a whole. Information regarding sensitive cultural practices, the location of sacred or culturally significant places is transmitted orally and is not intended to be written down. Traditional Diné do not make permanent records or representations of sacred or ceremonial stories, songs and sandpaintings because such permanent records might fall into the hands of people without proper instruction or individuals who might misuse the knowledge and, in either instance, may consequently harm themselves or others. Similar concerns surround the collection of personal information in life histories. Some kinds of information should never be collected or disseminated. Other types of information can only be shared during particular seasons of the year or with persons of a particular age, maturity level or gender, etc. Individuals who are required to collect and to disseminate such culturally sensitive information through necessary technical reports shall consult with *and* obtain prior written consent from the Historic Preservation Officer

Personal information provided by an interviewee belongs to that individual. Such information shall only be collected *after* obtaining the informed written consent of the interviewee and with their full understanding of its intended use and, if applicable, the nature, type and degree to which that information may have to be disseminated.

Confidential information shall not be released by Sponsors, their agents or others without both the informed written consent of the individual who provided it *and* the prior written approval of the Historic Preservation Officer. Confidential and other sensitive information (including locational data) shall be included in reports only as removable, confidential appendices. Audio and/or video tapes of interviews, transcripts, field notes, and other records and materials directly derived from the project shall not be retained by the Sponsor, its agent or others but shall become the property of the Navajo Nation and shall be submitted to the Historic Preservation Officer for appropriate disposition. Interviewees shall be made aware that information they provide will become part of collections and may be maintained in perpetuity.

6.3. Return of Pre-existing Collections

There are numerous collections of both sacred and culturally significant Navajo Nation materials in the possession of universities and colleges, museums, libraries, federal agencies, other agencies, researchers, private individuals, contractors, and other individuals. Such collections are of interest and concern to the Navajo Nation. It is the intent of the Navajo Nation to return portions or all of these collections for appropriate disposition or curation by the Navajo Nation. The repatriation of human remains, associated funerary items, and sacred objects will be addressed in a separate Policy.

6.4. Return of Confiscated Collections

Disposition of collections obtained as a result of legal proceedings (e.g., confiscated items) shall be dealt with by the Historic Preservation Officer.

7. PROSCRIBED COLLECTIONS

In addition to general Diné prohibitions regarding disturbance of prehistoric remains, and a preference for leaving the cultural landscape intact, there are also traditional prohibitions regarding certain types of material that should *never, under any circumstances*, be collected; including items that (1) are sacred or of a ceremonial nature; (2) appear to be part of a ceremonial offering; or (3) are in any way related to human burial, including associated and isolated funerary remains such as ceramic vessels, ornaments, wash basins, eating utensils, broken shovels, etc. Sponsors, their agents, and others shall pay particular attention to locations and shall also avoid disturbance of remains that are or appear to be out of the ordinary, such as cairns, shrines or grouped pieces of precious stones.

To avoid inadvertent collection of sacred or ceremonial objects, Sponsors, their agents, and others shall conduct necessary surface collections with great care. As part of the research process, Sponsors, their agents, and others shall make a reasonable and good faith effort to gather appropriate and adequate contextual information (usually by way of ethnographic interviews) on locations which may be sacred, ceremonial or where other culturally sensitive materials might be thought to be present.

Sponsors, their agents, and others shall not collect the following:

1. *Hadaa_t'é ánídaalyaa'ígíí*, figurines typically constructed out of wood, cornmeal, gourd, clay, and/or other botanical materials. These figurines may be anthropomorphic forms or representations of quadrupedal, reptilian or amphibian beings, which have been created to heal ailments for a specific Navajo person. Such figurines are not to be touched, handled or removed. However, should removal appear to be absolutely necessary for the purposes of an undertaking, an *hataa_ii* must be consulted for advice regarding appropriate treatment, and the removal and disposition must be specially approved in writing by the

Historic Preservation Officer. Evidence of the consultation, together with the *hataa_ii*'s advice or opinion must be provided to the Historic Preservation Officer.

2. Offerings of any kind; including; any grouping of *nt_iz* – pieces of shell, turquoise, and jet, which may be found in association other minerals and with botanicals; *k'eet'áán*-botanical stems or pegs noticeably cut, notched, and decorated in association with the ladder, feathers, and cotton, and beads. Such offerings are not to be touched, handled or removed. However, should removal appear to be absolutely necessary for the purposes of an undertaking, a *hataa_ii* must be consulted for advice regarding appropriate treatment. The removal and disposition must be specially approved in writing by the Historic Preservation Officer. Evidence of the consultation, together with the *hataa_ii*'s advice or opinion must be provided to the Historic Preservation Officer.
3. Retired *Jish* – sacred objects; examples include but are not limited to, items showing evidence of manufacture or human alteration, wood products, cut, carved, and/or shaped; pieces of prepared buckskin or leather-thongs, strips, pouches, bags, etc.; lithics; pottery; tobacco pipes; botanicals; gourds; animal and bird parts-hide, claws, horns, hooves, feathers, bone, etc.; shells; cotton string; yarn; etc. Such objects are not to be touched, handled or removed. However, should removal appear to be absolutely necessary for the purposes of an undertaking, a *hataa_ii* must be consulted for advice regarding appropriate treatment, and the removal and disposition must be specifically approved in writing by the Historic Preservation Officer. Evidence of the consultation, together with the *hataa_ii*'s advice or opinion must be provided to the Historic Preservation Officer.
4. Human remains in any context.
5. Funerary items, including items potentially associated with human burials such as shovel heads, broken shovels, dishware of all sorts, saddles or portions of saddles, burned or unburned clothing, wash basins, etc.
6. Collection of information through ethnographic interviews can occur only after obtaining the interviewee's informed, written consent.

Sacred objects and offerings shall not be photographed or sketched without the prior written permission of the Historic Preservation Officer. Should removal or relocation of sacred objects or offerings be unavoidable, the Sponsor or its agent shall consult with and obtain the prior written approval of the Historic Preservation Officer.

8. ITEMS OF CULTURAL PATRIMONY

In accordance with NAGPRA and upon notice and formal request of the governing council or properly authorized representative of another federally recognized Indian tribe, government-to-government negotiation shall be initiated to return to such tribe objects of cultural patrimony belonging to that tribe that are in the possession of the Navajo Nation. Sacred objects and objects

of cultural patrimony shall be expeditiously returned where (1) the requesting party is either the individual who originally owned the object or a direct lineal descendant of an individual who owned the object; or (2) the requesting Indian tribe can show that the object was owned or controlled by the tribe; or (3) the requesting Indian tribe can show that the object was owned or controlled by a member thereof, and that no identifiable lineal descendants have made a claim for the object. The place and manner of return of such objects shall be negotiated on a case-by-case basis. Each requesting Indian tribe shall afford the Navajo Nation reciprocity consistent with this policy.

9. OBTAINING INFORMATION AND ASSISTANCE

If Sponsors, their agents or others need assistance or information regarding sacred or culturally sensitive material, measures for protecting themselves or others against the potential ill effects of contact with sacred items (some of which are imbued with “power” that may be dangerous if inappropriately handled), traditional concern, interview methods, “culturally appropriate” activities or behavior, the role of Hataa_ii, and etc., they should contact the Historic Preservation Department.

10. DISPOSITION OF CULTURAL RESOURCES COLLECTIONS

10.1. Collection Disposition

Normally, collections of material remains will not be curated but will be returned to the cultural landscape. The Navajo Nation will curate or archive records. When the Navajo Nation accepts a collection for curation or archiving, it shall collect a fee to cover the expenses associated with that activity and the maintenance of the collection.

10.2 Collection Repository

The Navajo Nation Museum shall be the repository of cultural resources for those collections or parts of collections not returned to the cultural landscape that are obtained on Navajo Nation Lands. Records detailing disposition of collections shall be maintained and safeguarded by the Historic Preservation Officer or the Navajo Nation Museum.

10.3 Accessioning Collections

Sponsors, their agents, and others shall ensure that all parts of a collection to be accessioned by the Navajo Nation Museum are properly prepared for accessioning. Procedures for inventorying, identifying, evaluating, handling, cleaning, analyzing, labeling, cataloging, packaging, and storing collections shall be in accordance with standard professional practices. The Museum Director shall provide information including guidelines for preparing the collection for accessioning, as necessary. Collections deposited with the Navajo Nation shall include all information derived from the project that produced them.

Navajo Nation sacred and ceremonial objects shall only be dealt with in the context of repatriation activities. In the event that sacred or ceremonial objects are inadvertently collected, Sponsors, their agents, and others shall contact the Historic Preservation Officer and proceed as directed.

10.4 Collection Disposition Fee Schedule

The Museum Director shall develop and maintain a schedule of fees that shall assessed for collections accepted by the Navajo Nation Museum pursuant to this Policy. Fees shall be used to defray the cost of collection disposition. Fees may be waived by the Museum Director with the concurrence of the Historic Preservation Officer.

10.5 Disposition Process

Prior to making any decisions regarding disposition, the Museum Director shall ensure that the collection is properly assembled, inventoried, and accessioned. If material remains or associated records are missing, it shall be the project Sponsors', their agents or others responsibility to make a good faith effort to located the missing items and append them to the collection.

Some collections consist exclusively of original records (or copies thereof) that are prepared, assembled, and document efforts to locate, evaluate, document, study, preserve or recover a cultural resource; that is, of archival materials only (including audiovisual recordings). Such collections shall be curated in their entirety. The Museum Director shall insure that these collections are managed and preserved according to professional museum and archival practices. Collection management shall take into consideration traditional concerns, as appropriate.

Most cultural resource collections will include both material remains and associated records/archival materials. If the collection contains material remains that the Historic Preservation Officer determines should be held in perpetuity (e.g., items of exceptional historical or cultural significance, unusual items, museum quality items or representative samples from collections that may be important to maintain), the Museum Director shall ensure that these items are properly curated. All associated records shall be curated. Such collections (or portions thereof) shall be managed and preserved according to professional museum and archival practices. Collection management shall take into account appropriate Diné traditional concerns.

If the Historic Preservation Officer determines that certain material remains (e.g., sacred objects, ceremonial items, complete projectile points, complete tools, or complete ground stone implements) should be transferred to *Hataalii* or others for cultural reuse, the Historic Preservation Officer shall identify the appropriate recipient(s) and shall document the process by which the items are transferred. All documentation, including a Transfer of Caretaker Responsibility Form, shall be appended to the associated records for the collection and properly curated/archived.

10.6 Disposition Within the Project Area

To the greatest extent possible, material remains that are intentionally excavated as part of an undertaking shall be returned to the cultural landscape. Material remains should be replaced within the boundaries of the project area but outside the construction zone and in locations that are unlikely to be disturbed in the future. Material remains should be placed far enough below the surface of the earth so that items will neither be visible nor exposed by erosion or other disturbance.

They should not be placed in containers of any sort but should be allowed to continue to weather naturally. The items should be permanently marked in a manner approved by the Historic Preservation Officer to make it clear that they have been reburied. Sponsors or their agents are responsible for returning material remains to the cultural landscape unless the Historic Preservation Officer determines that the Navajo Nation will take responsibility for this activity. The Historic Preservation Officer shall ensure that the actual procedures used for reburial of materials remains are fully documented, including preparation of maps showing the locations of the reburied items. All documentation (including maps) shall be appended to the associated records for the collection and properly curated/archived.

To the greatest extent possible, material remains that were obtained through means other than intentional excavation (e.g., inadvertent discovery, return of pre-existing collections, or confiscation) shall also be returned to the cultural landscape. In such cases, the Historic Preservation Officer shall determine the appropriate location and process for disposition. The Historic Preservation Officer shall ensure appropriate involvement of individuals with surface use rights (if any); as well as the actual procedures used for return of the remains to the cultural landscape are fully documented (including maps, if appropriate.) All documentation (including maps) shall be appended to the associated records for the collection and properly curated/archived.

10.7 Disposition Outside of Established Project Boundaries

It is Navajo Nation policy to return remains to the cultural landscape as near as possible to the location from which they were removed. When it is not prudent or feasible to reburial within the approved project boundaries, the Sponsor or its agents must identify a suitable area for reburial. The location selected is subject to the approval of the Historic Preservation Officer.

The Sponsor or its agent must obtain the written consent of individuals (if any) with surface use rights recognized by the Navajo Nation when an area outside the project boundaries is proposed for reburial. The Sponsor or its agents must submit documentation of land user consent when requesting approval of the reburial location.

If there are no individuals with surface use rights legally recognized by the Navajo Nation, the Sponsor is responsible for obtaining the approval of the Chapter in which the proposed reburial is to be located.

11. ACCESS TO COLLECTIONS

The Historic Preservation Officer shall be responsible for establishing procedures and policies related to access to collections. Collections shall be made available for educational, scientific and traditional uses, subject to such terms and conditions as are necessary to protect and preserve the condition, research potential, religious or sacred importance, and uniqueness of the collection. Access to sacred, confidential, and other highly sensitive information may be limited on a seasonal or other basis. Access information shall be made available to individuals requesting access.

Collections (or portions thereof) may be loaned to other repositories, institutions or individuals for educational purposes, research, training, display, or other culturally appropriate purpose. Written loan agreements shall be prepared between the repository and the borrower that specify (a) the collection or item being loaned; (b) the purpose of the loan; (c) the length of the loan; (d) and restrictions on use of the collection or item; (e) the manner in which the collection or item must be handled; (f) requirements for insuring the collection or item being borrowed against loss, damage or destruction during transit or while the borrower's possession; and (g) any fees or charges associated with the loan and use of the collection or item.

In certain circumstances, the Historic Preservation Officer may decide to limit access to all or parts of the curated collection because it includes particularly sensitive information, confidential data, fragile items, items that should only be viewed or used during certain seasons of the year or by persons of a particular age or sex, and so forth. Such decisions shall be documented.